

JOURNAL OF THE HOUSE.

Thursday, April 22, 2010.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, in Whom we place our hope and trust, we look to You for guidance on this and every day as we address legislative and personal matters. Teach us to be grateful for our blessings, mindful of our responsibility and open to Your inspirations and directions. In these uneasy and difficult political and economic times, we pray for peace in our hearts and minds, strength in our wills and courage in our decision-making actions. As citizens of this nation and Commonwealth, may we continue to work together, as a society, to improve the material, human and spiritual quality of life for all and to respect the personal dignity of each individual. Inspire us to clarify and renew our intention to serve, in a faithful manner, You, our families and constituents who depend upon our reasoned decisions.

Grant Your blessings to the Speaker, the members and employees of this House and their families.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Guests of the House.

During the session, the Chair (Mr. Murphy of Weymouth) declared a brief recess and introduced members of Boy Scout Troop 9 from Weymouth. They were the guests of the Chair and Mr. Mariano of Quincy.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Honan of Boston and Dykema of Holliston) celebrating the fiftieth anniversary of the Red Auerbach Basketball School;

Resolutions (filed by Messrs. Koutoujian of Waltham, Hecht of Watertown and Miceli of Wilmington) honoring Armenian Independent Broadcasting of Boston for thirty years of Armenian radio;

Resolutions (filed by Messrs. Koutoujian of Waltham, Hecht of Watertown and Miceli of Wilmington) honoring Daniel Varoujan Hejinian for his lifelong efforts to promote peace through his works of art;

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the service of Elaine O'Brien to the town of Sandisfield;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Matthew John Paul of Norfolk upon his elevation to the rank of Eagle Scout;

Prayer.

Pledge of allegiance.

Weymouth,—
Boy Scout
Troop 9.

Red Auerbach
Basketball
School.

Armenian
Independent
Broadcasting.

Daniel
Varoujan
Hejinian.

Elaine
O'Brien.

Matthew
John Paul.

Richard Michael Ruff. Resolutions (filed by Mr. Ross of Wrentham) congratulating Richard Michael Ruff of Norfolk upon his elevation to the rank of Eagle Scout;

William S. Hogan, Jr. Resolutions (filed by Mr. Scibak of South Hadley) honoring the Easthampton Savings Bank President and CEO William S. Hogan, Jr. as he celebrates his fortieth year of employment with the bank; and

Gerdes Fleurant and Florienne Saintil. Resolutions (filed by Ms. Wolf of Cambridge) honoring Dr. Gerdes Fleurant and Ms. Florienne M. Saintil for their decades of tireless work on behalf of the Haitian community;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Domestic violence. Mr. Pedone of Worcester presented a petition (subject Joint Rule 12) of Vincent A. Pedone relative to increasing services for persons at risk of domestic violence; and the same was referred, under Rule 24 to the committee on Rules.

Papers from the Senate.

Economic development reorganization. The Senate Bill promoting economic development throughout the Commonwealth (Senate, No. 2380) (on Senate, No. 2345) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Carver,—property taxes. The Senate Bill relative to property taxes in the town of Carver (Senate, No. 2144) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Jackie Enno,—sick leave. A petition (accompanied by bill) of Richard T. Moore for legislation to establish a sick leave bank for Jackie Enno, an employee of the Glavin Regional Center, came from the Senate referred, under suspension of Joint Rules 12, the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2389) was referred, in concurrence, to the committees on Public Service.

Reports of Committees.

Supplemental appropriations. Mr. Murphy of Burlington, for the committee on Ways and Means, on Senate bill, No. 2370, reported, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626) [Cost: \$218,163,110.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading. Subsequently, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by inserting after section 2 the following section:

“SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

1599-1027	For a reserve for reimbursement to certain employees of the commonwealth for certain increases in health care cost-sharing expenditures	\$6,821,690
1599-4281	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the National Association of Government Employees, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	\$25,810

Supplemental appropriations.

- 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the Service Employees International Union, Local 509, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means
- 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the American Association of Federal, State, County and Municipal Employees, Council 93, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means
- 1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agree-

\$1,912,542

\$21,137

1599-4285

1599-4286

ment between the Commonwealth of Massachusetts and the Massachusetts Organization of State Engineers and Scientists, Unit 9, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means

For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the State Lottery Commission and the Service Employees International Union, Local 888, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means

For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the Berkshire Registries of Deeds-Service Employees International Union, Local 888; Essex North/South Registry of Deeds-

\$12,788

\$944

Supplemental appropriations.

American Association of Federal, State, County and Municipal Employees, Council 653; Hampden Registry of Deeds-Office of Professional Employees International Union, Local 6; Middlesex South Registry of Deeds-Office of Professional Employees International Union, Local 6; Suffolk Registry of Deeds- Service Employees International Union, Local 888; Worcester North Registry of Deeds- Service Employees International Union, Local 888 and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$275”.

The amendment was adopted.

Messrs. Jones of North Reading and Murphy of Burlington then moved to amend the bill in section 2A (inserted by amendment) by inserting after the first paragraph the following item:

“SECRETARY OF THE COMMONWEALTH.

Office of the Secretary of the Commonwealth.

0521-0010 For reimbursements to municipalities for costs associated with the statewide election to fill the United States Senate seat on January 19, 2010; provided, that the Secretary of State shall only reimburse the municipalities for costs that have previously been certified by the Division of Local Mandates within the Office of the State Auditor, and provided further that any unexpended funds from this item shall be made available in fiscal year 2011 \$6,340,941”.

The amendment was adopted; and the bill (House, No. 4626, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Chelmsford,— conservation land.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (Senate, No. 2287, amended) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882) [Local Approval Received], be scheduled for consideration by the House.

Millis,— retired police.

Under suspension of Rule 7A, on motion of Mr. Walsh of Lynn, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing Edward Grace to take the civil service examination (House, No. 2551) [Local Approval Received], be scheduled for consideration by the House.

Edward Grace,— civil service.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 456, 464, 480, 482, 483, 493, 500, 507, 511 and 519 and House, No. 881, 893, 935, 936, 941, 988, 991, 997, 1011, 1023, 1038, 1042, 3447, 3450, 3557, 3558, 3560, 3897 and 4111, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain Senate and House documents concerning insurance and other related matters (House, No. 4621).

Insurance,— study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 804, a Bill establishing a snowmobile educational safety program (House, No. 4608).

Snowmobile safety.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the profits from crime (House, No. 1495).

Crime,— profits.

By the same member, for the same committee, on a petition, a Bill establishing the correctional officers’ procedural bill of rights (House, No. 1571).

Correctional officers.

By the same member, for the same committee, on a petition, a Bill relative to the victims of violent crime (House, No. 1587).

Victims.

By the same member, for the same committee, on House, No. 1527, a Bill to clarify recording requirements at registries of deeds (House, No. 4625).

Registry of deeds.

Workforce training fund. By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to the workforce training fund (House, No. 1813).

Employment postings. By the same member, for the same committee, on a petition, a Bill relative to state employment postings (House, No. 1854).

Employment discrimination. By the same member, for the same committee, on House No. 1795, a Bill further defining employment discrimination (House, No. 4622).

Procurement. By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, Nos. 2975 and 2980, a Bill relative to procurement (House, No. 4609).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Cell phones,—service. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 130 and House, No. 272, a Bill relative to cellular telephone service (House, No. 272).

Seekonk,—liquor licenses. By the same member, for the same committee, on a petition, a Bill relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licenses to be drunk on the premises (House, No. 4518) [Local Approval Received].

Warehousing. By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill clarifying warehousing (House, No. 1425).

Trusts,—animals. By the same member, for the same committee, on a petition, a Bill relative to trusts for the care of animals (House, No. 1467).

Livery drivers. By the same member, for the same committee, on a petition, a Bill relative to the regulation of livery drivers (House, No. 1506).

Manslaughter. By the same member, for the same committee, on a petition, a Bill relative to manslaughter (House, No. 1614).

Interstate compact. By the same member, for the same committee, on a petition, a Bill relative to the interstate compact warrant (House, No. 1629).

Private construction contracts. By Ms. Coakley-Rivera, for the committee on Labor and Workforce Development, on a petition, a Bill to promote fairness in private construction contracts (House, No. 1804).

Parochial school teachers. By the same member, for the same committee, on a petition, a Bill regarding protections extended to lay teachers in parochial schools (House, No. 1848).

Employment agencies. By the same member, for the same committee, on House, Nos. 1797 and 1855, a Bill updating and streamlining the regulation of employment agencies (House, No. 4623).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Stephanie Savini,—sick leave. The engrossed Bill establishing a sick leave bank for Stephanie Savini, an employee of the Trial Court (see House, No. 4577), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate. Bill enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (see Senate, No. 2350), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill providing a tax exemption for certain qualifying real estate in the town of Hamilton (see Senate, No. 2085) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Id.

Orders of the Day.

House bills
Relative to the Brewster Board of Water Commissioners (House, No. 4279); Authorizing the town of Manchester-by-the-Sea to grant an easement on certain water protection land (House, No. 4304); Third reading bills.

Providing for recall elections in the town of Boxford (House, No. 4381); and

Relative to certain nomination papers filed in the town of Millville (printed in House, No. 4583);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recesses.

At fourteen minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Murphy of Weymouth in the Chair. Recesses.

The House then took a further recess, on motion of Mr. Jones of North Reading, subject to the call of the Chair; and at four minutes before five o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626) came from the Senate with the endorsement that it had been passed to be Supplemental appropriations.

Supplemental engrossed, in concurrence, with an amendment striking out all after appropriations. the enacting clause and inserting in place thereof the text contained in Senate document numbered 2390.

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4627.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Emergency Measure.

Supplemental The engrossed Bill making appropriations for the fiscal year 2010 appropriations. to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4626, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Bill Subsequently, the Senate having concurred in adoption of the enacted. emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next Ordered, That when the House adjourns today, it adjourn to meet sitting. on Monday next at eleven o'clock A.M.

At four minutes after six o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M.